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66170 7590 05/25/2010

Snell & Wilmer L.L.P. (AMEX)
ONE ARIZONA CENTER
400 E. VAN BUREN STREET
PHOENIX, AZ 85004-2202

EXAMINER

KAMAL, SHAHID

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 05/25/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,473	08/30/2004	Michael J. Berardi	60655.1400	9805

TITLE OF INVENTION: SYSTEM AND METHOD FOR ENCODING INFORMATION IN MAGNETIC STRIPE FORMAT FOR USE IN RADIO FREQUENCY IDENTIFICATION TRANSACTIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/25/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

66170 7590 05/25/2010

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,473	08/30/2004	Michael J. Berardi	60655.1400	9805

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/25/2010
EXAMINER	ART UNIT	CLASS-SUBCLASS				
KAMAL, SHAHID	3714	705-067000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

- Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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66170	7590	05/25/2010	EXAMINER	
Snell & Wilmer L.L.P. (AMEX)		KAMAL, SHAHID		
ONE ARIZONA CENTER		ART UNIT		PAPER NUMBER
400 E. VAN BUREN STREET		3714		
PHOENIX, AZ 85004-2202		DATE MAILED: 05/25/2010		

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 910 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 910 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/810,473	BERARDI ET AL.	
	Examiner	Art Unit	

SHAHID KAMAL
3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 01/14/2010.
2. The allowed claim(s) is/are 1-12 and 15-17.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 07/08/2008, 07/08/2008, 07/08/2008,
07/08/2008
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

/Pierre E. Elisca/
Primary Examiner, Art Unit 3714

DETAILED ACTION

Acknowledgements

1. Applicants' amendment filed on January 14, 2010 is acknowledged. Accordingly, claims 1-12 and 15-17 remain pending and have been allowed.

Examiner's Amendment

2. An Examiner's amendment to the record appears below. Should the changes and/or additions by unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such amendment, it must be submitted no later than the payment of the issue fee.

3. Authorization for this Examiner's amendment was given in a telephonic communication with Adam J. Stegge (Registration No. 63,297) on or about May 7, 2010.

4. The application has been amended as follows:

Abstract

[0001] A transaction device system is associated with a transaction device proxy account identifier, which may be stored in a database on the transaction device system. ~~The proxy transaction device identifier may be stored on the database in any conventional merchant recognizable format. Additionally, the proxy transaction device identifier and~~ may be associated with a transaction account identifier for use in completing a transaction. The proxy transaction

device identifier may include at least a first portion which corresponds to a portion of the transaction device identifier. The first portion of the proxy transaction device identifier may be segmented into proxy fields where a first segment includes a portion of a transaction account data set, and a second segment has encoded therein an account provider desired information. The proxy account identifier segments are undetectable by receiving systems such that the proxy account identifier emulates a merchant recognizable data transfer format. The account provider system ~~may receive the proxy account identifier and~~ uses the first portion of the transaction device identifier ~~in a predetermined algorithm~~ to reassemble the transaction device identifier for use in transaction completion.

Listing of Claims

1. (Currently Amended) A payment system comprising:
a transaction device system comprising:
 a transaction device associated with an account identifier, said account identifier including at least a first account identifier portion and a second account identifier portion,
 said transaction device further including a transaction device database including a proxy account identifier storage area operable for storing a proxy account identifier, said proxy account identifier including said first account identifier portion,
 said proxy account identifier storage area including a first proxy account identifier storage area and a second proxy account identifier storage area,
 said second proxy account identifier storage area configured to store at least said first account identifier portion, and
 said transaction device operable to provide said proxy account identifier including said first account identifier portion to an account identifier provider system; and
[[an]] said account identifier provider system in communication with said transaction device for receiving said proxy account identifier including said first account identifier portion,
 said account provider system operable to associate said first account identifier

portion to said account identifier, said account identifier being associated with a transaction account, and

 said account identifier provider system operable to receive said first account identifier portion and provide the corresponding account identifier to an account identifier provider server for transaction completion.

2. (Previously Presented) A system according to claim 1, wherein said account identifier provider system is operable to provide said account identifier to said account identifier provider server in accordance with said first account identifier portion.

3. (Previously Presented) A system according to claim 2, wherein said account identifier provider system is operable to generate said second account identifier portion in accordance with a predetermined algorithm operated on said first account identifier portion, said account identifier provider system is operable to provide said account identifier to said account identifier provider server in accordance with said first account identifier portion and said generated second account identifier portion.

4. (Previously Presented) A system according to claim 2, wherein said account identifier provider system further includes an account identifier provider database, said account identifier provider database operable to store said account identifier, wherein said account identifier provider system is operable to locate said stored account identifier in accordance with a predetermined algorithm operated on said first account identifier portion.

5. (Previously Presented) A system according to claim 2, wherein said account identifier provider system further includes an account identifier provider database, said account identifier provider database operable to store said second account identifier portion, wherein said account identifier provider system is operable to locate said stored second account identifier portion in accordance with a predetermined algorithm operated on said first account identifier portion, said account identifier provider system is operable to provide said account identifier to said account identifier provider server in accordance with said first account identifier portion and

said located second account identifier portion.

6. (Currently Amended) A system according to claim 1, further including a merchant system in communication with said transaction device system, said transaction device system operable to provide said proxy account identifier to said merchant system, said merchant system in further communication with said account identifier provider system, said merchant system operable to provide said proxy account identifier including said first account identifier portion to said account identifier provider system.

7. (Original) A system according to claim 6, wherein said transaction device system is operable to provide said proxy account identifier in a merchant system recognizable format.

8. (Original) A system according to claim 6, further comprising a transaction device reader in communication with said transaction device system, said transaction device reader in further communication with said merchant system, said transaction device reader operable to receive said proxy account identifier and to provide said proxy account identifier to said merchant system.

9. (Original) A system according to claim 7, wherein said proxy account identifier is in International Standards Organization (ISO) compatible magnetic stripe format.

10. (Previously Presented) A system according to claim 7, wherein said proxy account identifier includes said first account identifier portion in at least one track of an ISO compatible magnetic stripe format.

11. (Currently Amended) A system according to claim 1, wherein said transaction device is operable to provide said proxy account identifier including said first account identifier portion to [[an]] said account identifier provider system in a contactless transmission medium.

12. (Original) A system according to claim 11, wherein said contactless transmission

medium is radio frequency.

13 - 14. (Canceled)

15. (Currently Amended) A method of transmitting data for transaction completion in a payment system, said method comprising:

providing a transaction device associated with a proxy account identifier, [[the]] said proxy account identifier having at least a first proxy account identifier portion;

providing a database for storing [[the]] said proxy account identifier;

associating [[the]] said first proxy account identifier portion with a transaction account identifier; identifier, [[the]] said transaction device identifier including first and second transaction account identifier portions;

storing [[the]] said first transaction account identifier portion in [[the]] said first proxy account identifier portion; and

providing [[the]] said first transaction account identifier portion to a transaction account provider for use in determining [[the]] said transaction account identifier for use in completing a transaction.

16. (New) A method according to claim 15, wherein said proxy account identifier is in International Standards Organization (ISO) compatible magnetic stripe format.

17. (New) A method according to claim 15, wherein said proxy account identifier includes said first account identifier portion in at least one track of an ISO compatible magnetic stripe format.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

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6. Regarding the claimed terms, the Examiner notes that a “general term must be understood in the context in which the inventor presents it.” *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-23 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term “is susceptible to various meanings, . . . the inventor’s lexicography must prevail . . .” *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

7. This application is regarding a transaction device system is associated with a transaction device proxy account identifier, which may be stored in a database on the transaction device system. The proxy transaction device identifier may be stored on the database in any conventional merchant recognizable format. Additionally, the proxy transaction device identifier may be associated with a transaction account identifier for use in completing a transaction. The proxy transaction device identifier may include at least a first portion which corresponds to a portion of the transaction device identifier. The first portion of the proxy transaction device identifier may be segmented into proxy fields where a first segment includes a portion of a transaction account data set, and a second segment has encoded therein account provider desired information. The proxy account identifier segments are undetectable by receiving systems such that the proxy account identifier emulates a merchant recognizable data transfer format. The account provider system may receive the proxy account identifier and uses the first portion of the transaction device identifier in a predetermined algorithm to reassemble the transaction device identifier for use in transaction completion.

8. The closest prior art is by Chen et al. (US Patent No.: 7,096,204 B1). Chen teaches that a transaction device associated with an account identifier, said account identifier including at least a first account identifier portion and a second account identifier portion, said transaction device further including a transaction device, said proxy account identifier including said first account identifier portion, a first proxy account identifier storage area and a second proxy account identifier storage area and an account identifier provider system in communication with said transaction device for receiving said proxy account identifier including said first account identifier portion, said account provider system operable to associate said first account identifier portion to said account identifier, said account identifier being associated with a transaction account, and said account identifier provider system operable to receive said first account identifier portion and provide the corresponding account identifier, to an account identifier provider server for transaction completion.

9. The second closest prior art is by Franklin (US Patent No.: 5,883,810). Franklin teaches that database including a proxy account identifier storage area, said transaction device database proxy account identifier storage area operable for storing a proxy account identifier, said proxy account identifier storage area including.

10. However, the Chen/Franklin combination fails to teach the aspect of “said second proxy account identifier storage area configured to store at least said first account identifier portion,

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and said transaction device operable to provide said proxy account identifier including said first account identifier portion to an account identifier provider system.

11. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would not have been motivated to include these missing elements in an embodiment in Walker disclosure because: all of the above mention reference is directed toward for a cryptographically assisted commercial network system designed to facilitate buyer-driven conditional purchase offers.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Examiner can normally be reached on Mon-Thursday 8:30 AM- 7:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shahid Kamal/
Examiner, Art Unit 3714

/Pierre E. Elsca/
Primary Examiner, Art Unit 3714